

Message Text

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ACTION ARA-20

INFO OCT-01 ISO-00 PM-07 L-03 NSC-07 CIAE-00 DODE-00

INR-11 NSAE-00 PA-04 RSC-01 USIA-15 PRS-01 SP-03

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R 051459Z OCT 74

FM AMEMBASSY MANAGUA

TO SECSTATE WASHDC 5236

INFO AMEMBASSY GUATEMALA

AMEMBASSY TEGUCIGALPA

AMEMBASSY SAN JOSE

AMEMBASSY SAN SALVADOR

AMEMBASSY CARACAS

USCINCSO

C O N F I D E N T I A L MANAGUA 3919

USCINCSO FOR POLAD

E.O. 11652: GDS

TAGS: PINT, NU

SUBJECT: CASE OF THE "27": LEGAL MANEUVERS CONTINUE

REF: STATE 192333

SUMMARY: SUPREME COURT HAS STILL NOT HANDED DOWN DECISION ON CASE OF THE "27". SUSPENSION OF RIGHTS HAS AS RESULT BEEN CITED TO DENY LA PRENSA DIRECTOR PEDRO JOAQUIN CHAMORRO PASSPORT TO TRAVEL FIRST TO CENTRAL AMERICAN AND NOW TO INTER-AMERICAN PRESS ASSOCIATION MEETINGS. IN SEPARATE LEGAL ACTION, CHAMORRO HAS ALSO BEEN SUED BY NATIONAL GUARD SERGEANT IN FIRST MAJOR CASE INVOKING CONTROVERSIAL INJURY AND CALUMNY LAW.

1. THERE HAS AS YET BEEN NO DECISION FROM THE SUPREME COURT ON THE GROUP OF "27'S" SEPTEMBER 12 APPEAL TO ENJOIN THE SENTENCE SUSPENDING THEIR CITIZENSHIP RIGHTS FOR SIX MONTHS FOR PUBLICLY ADVOCATING ABSTENTION AT THE RECENT ELECTION. ACCORDING TO COURT
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SOURCES, ACTION HAS BEEN DELAYED TO GIVE ALL NINE JUSTICES, SOME

OF WHOM ARE OUT OF THE COUNTRY, TIME TO STUDY THE CASE. COURT PRESIDENT TOLD EMBOFF OCT 1 THAT DECISION MAY EMERGE BY END OF MONTH, BUT "27" THEMSELVES INCLINED TO BELIEVE THAT COURT WILL EVADE THORNY ISSUE AND DELAY UNTIL THE SIX MONTH PERIOD HAS EXPIRED.

2. OF THE "27", LA PRENSA DIRECTOR PEDRO JOAQUIN CHAMORRO IS PREDICTABLY WAGING THE MOST PUBLIC LEGAL BATTLE WITH THE AUTHORITIES. DENIED A PASSPORT TEN DAYS AGO TO ATTEND A SAN SALVADOR MEETING OF THE CENTRAL AMERICAN NEWSPAPER ASSOCIATION (APCA) HE HAS APPEALED TO THE SUPREME COURT CONTENDING THAT THE SUSPENSION OF RIGHTS IS NOT APPLICABLE TO FREEDOM OF MOVEMENT. CHAMORRO IS NOW PUSHING THE CASE IN ORDER TO TRAVEL TO THE INTER-AMERICAN PRESS ASSOCIATION (SIP) MEETING SCHEDULED FOR OCTOBER 14-18 IN CARACAS.

3. CHAMORRO WAS ALSO CHARGED BY NATIONAL GUARD SERGEANT OCTOBER 1 WITH LIBEL AND DEFAMATION OF CHARACTER FOR HIS COMMENTARIES IN THE AMADA PINEDA RAPE CASE (MANAGUA A-70 OF JULY 22, 74).

4. CLOSE SOMOZA ADVISORS CONSTITUENT ASSEMBLY PRESIDENT CORNELIO HUECK AND NOVEDADES DIRECTOR LUIS PALLAIS ACKNOWLEDGED TO EMBOFF OCT 3 THE POSSIBILITY OF NEGATIVE INTERNATIONAL PUBLICITY AS A CONSEQUENCE OF THE PASSPORT DENIAL BUT DIFFERRED SIGNIFICANTLY ON HOW TO HANDLE THE CASE. THE HARD-LINING HUECK WANTS TO PUSH THE CHAMORRO CASE AS FAR AS IT WILL GO, WHILE PALLAIS SEEMED INTERESTED IN ALLOWING CHAMORRO TO TRAVEL WHILE PUTTING HIM TO THE EMBARRASSMENT OF POSTING BOND AND TRAVELING ON A NONDESCRIPT TRAVEL DOCUMENT.

5. COMMENT: SUIT AGAINST CHAMORRO AND PINEDA IS FIRST MAJOR CASE INVOKING THE NEW INJURY AND CALUMNY LAW, WHICH WHEN PASSED LAST FALL WAS SUSPECTED AS BEING AN INSTRUMENT FOR GAGGING LA PRENSA.
SHELTON

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